



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F McTIGUE  
DIRECTOR

April 16, 1992  
AO-92-06

Ms. Chartis B. Langmaid  
90 Beechwood Street  
Cohasset, MA 02025

Re: Expenditures for Clothing and Image

Dear Ms. Langmaid:

This letter is in response to your February 18, 1992, request for an advisory opinion asking if your political committee may pay for certain clothing and "image" expenditures which you believe are campaign related.

You have stated that you need to have a wardrobe for formal campaign appearances and occasional professional make-up and hair styling particularly for certain functions, debates (both televised or not) and when you are having your picture taken for campaign brochures or newspaper stories. Until now, you have not had a "professional" wardrobe and have not gone to a beauty salon for any reason other than a haircut every couple of months. You further state that it will be a great hardship for you to pay for all the clothes and styling that you will need for your campaign and that the related expenditures are not ones that you would make in the ordinary course of your everyday living.

M.G.L. c.55, s.6 provides, in pertinent part, that political committees such as yours may make expenditures "for the enhancement of [your] political future . . . so long as such expenditure is not primarily for [your] or any other person's personal use . . ." Expenditure is specifically defined, in pertinent part, by M.G.L. c.55, s.1 to include:

any expenditure of money, or other thing of value, by an individual candidate, or political committee . . . , for the purpose of influencing the nomination or election of said individual or candidate . . .

Reading these two provisions of the law together it is clear that all expenditures by political committees such as yours must relate to your political future in connection with a campaign for nomination or election to office and not primarily for your or any other person's personal use.

Further guidance on this question is, as you note in your letter, provided for by regulations promulgated by this Office. Specifically, 970 CMR 2.06(6)(a)(4) provides, in pertinent part that no political committee may make expenditures for a candidate's personal use including, but not limited to:

4. Normal clothing attire which is usual to the ordinary course of everyday living. This prohibition shall not apply to:

(a) novelty clothing items and costumes which are worn primarily to advertise one's candidacy; and

(b) clothing items rented by a candidate for his use exclusively for a particular political function, which is different from that ordinarily purchased by individuals.

This Office believes that the prohibition against personal use established by M.G.L. c.55, s.6 and interpreted in this part of the regulations is designed to prevent candidates from using political committee funds to purchase clothing which they would use for work or leisure even if such clothing could or would also be used for campaigning. To conclude otherwise would, we believe, create a potential for abuse which would be almost impossible to control or regulate, effectively. However, there are certain clothing costs as well as certain "image" costs as you call them which are permissible.

Subsection (4)(b) permits for the rental of clothing for a particular political function. This section would clearly permit an expenditure for a "black tie" affair. Today, it is possible to rent almost any type or style of clothing. Therefore, this section would address both a male candidate's need to rent a tuxedo as well as a female candidate's equally legitimate need to rent a ball gown.

Therefore, as noted in AO-92-05, it is the Office's opinion that political committees may rent but not purchase tuxedos, ball gowns or other clothing which is not ordinarily purchased by individuals and which is required by tradition, custom or other reasons for specific kinds of political functions such as so-called "black tie" or "fancy dress" affairs. If such clothing is also worn for everyday work or leisure activities or routine campaign activities, it may not be rented or purchased by a political committee.

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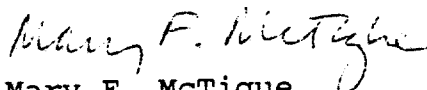
In addition, it is this Office's opinion that a political committee may, for the same reasons, pay for professional make-up and hair styling expenses provided such expenses are in connection with and required for a specific campaign appearance.

I would caution that the above conclusion is not meant to authorize political expenditures merely for clothing attire or professional make-up or styling which is more contemporary, stylish, expensive or helps, in the candidate's opinion, to produce a "better" image. While I recognize that arguments can be made (by both male and female candidates) that certain kinds or styles of clothing may enhance a candidate's political future, any clothing worn on a daily or regular basis and routine hairstyling and makeovers are nonetheless primarily personal and, therefore, may not be paid for by a candidate's political committee.

This opinion is based solely on the representations set forth in your letter. This opinion has also been rendered solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office if you should have any additional questions.

Very truly yours,

  
Mary F. McTigue  
Director